

FULL LEASED WIRE DISPATCHES

The Daily Capital Journal

CIRCULATION IS OVER 4000 DAILY

THIRTY-EIGHTH YEAR

SALEM, OREGON, TUESDAY, NOVEMBER 23, 1915

PRICE TWO CENTS ON TRAINS AND NEWS STANDS—FIVE CENTS

GREECE IS YIELDING TO DEMANDS OF ALLIES

England Now Officially Denies Any Blockade of Greek Shipping—Denys Cochins in of the French Cabinet Calls On King Constantine To Present Fresh Arguments Favorable to Question of Direct Participation In War Said To Be Only One Yet To Be Settled

LUNCHEONS WITH KING Athens, Nov. 23.—Denys Cochins took luncheon with the king and conferred at length with him. The impression prevailed afterward that a favorable agreement will be reached between Greece and the allies.

London, Nov. 23.—Greece is believed to have yielded sufficiently to the allies' demands to have obtained the necessity for coercing her. This conclusion is based on the official denial here today that any Greek ships have been seized or held in British ports or that any blockade of Greece has been established.

Visit King Once More. Athens, Nov. 23.—Armed with fresh arguments as to why it will be hopeless for Greece to resist the allies' demands, Denys Cochins, of the French cabinet, will again meet King Constantine. Arrangements for the conference were completed today.

ENGLISH REPULSED BY TURKISH HORDES

Germany Asserts That Gigantic Campaign of Allies Has Failed

B. Carl W. Ackerman. (United Press Staff Correspondent.) Berlin, by wireless to Sayville, L. I., Nov. 23.—After beating their way across Asia Minor to win striking distance of Bagdad, British troops were repulsed by Turkish hordes. The British expedition started several weeks ago, but the extent of the Teutonic victory came to light only today.

Abe Martin



Th' cost o' th' European war makes th' upkeep of an auto look like th' feller whose fightin' days are over.

GERMAN OFFICIAL IS DIRECTLY ACCUSED

District Attorney Makes Opening Statement In Steamship Case

New York, Nov. 23.—Xavier Attache Boyed of the German embassy was named directly today in the alleged Hamburg-America Steamship officials plot to supply German commerce raiders. With the jury finally picked, Assistant District Attorney Wood, in outlining the case, said that Boyed claimed that a fund of \$750,000 was deposited with the firm of Essen & Kullenkamp.

Clamps Are Tightening. Rome, Nov. 23.—The diplomatic clamps are tightening on Greece. The serious position of Greece, if she continues to defy the allies, has been strongly represented to the Greek minister by Foreign Minister Sonnino. Signs of great activity about the foreign office followed this warning. Whether this indicated early Greek acquiescence or foreshadowed further compulsory steps was not revealed, but no secret was made of the fact, that Italy is co-operating with her allies in exerting pressure on Greece.

Foreign Trade Scheme Interests Wall Street. New York, Nov. 23.—There was little news today having a bearing on financial values in the stock market. The chief interest centered in the announcement of organization of a powerful corporation to finance expansion of export trade interests, but chiefly with a view to conditions after the war.

Albany Man Killed By Oregon Electric Train. Leslie McCourt, a young man of Albany, aged 23 years, was killed at a little after noon today by the south-bound Oregon Electric train at the gravel pit about 1 1/2 miles north of the city limits of Albany.

UNCONSCIOUS MAN BURIED ALIVE BY BRUTAL MURDERER. Batavia, N. Y., Nov. 23.—That he beat Luigi Martoni, aged 40, into semi-consciousness 18 months ago and buried his body alive was the confession of Tony Bolivio, aged 27, today, according to the police.

THE WEATHER. Oregon: Tonight and Wednesday, rain; colder in south and east portions tonight; fresh southwestly winds.

THE TRUNK MURDER MYSTERY UNSOLVED. Portland, Or., Nov. 23.—The trunk murder mystery was as far from solution today as it was last Saturday when the place where the man, whose body was found in a traveling chest in the Willamette river was killed and located.

SERBIANS REPORT BULGARIANS LOSE TEN THOUSAND

Battle of Monastir Said To Have Been Fiercely Contested

IT IS NOW BELIEVED MONASTIR WILL HOLD OUT

Berlin, However, Reports Steady Advance of Combined Invading Army

London, Nov. 23.—Ten thousand Bulgarians were killed or wounded in the battle for Monastir, according to Salonika reports today, which divulged for the first time that instead of their reported victory, the Bulgarians had been repulsed in their attack Saturday.

Los Angeles, Cal., Nov. 23.—With \$20,000 more expense money assured District Attorney Woolwine, the prosecution in the murder trial of M. A. Schmidt, alleged McNamara accomplice, issued several new subpoenas today for important eastern witnesses.

Continued Heavy Rains Are Threatening Floods. Portland, Ore., Nov. 23.—Continued heavy rains in western Oregon threaten floods today. The rain has been falling almost in torrents for several days and the ground has reached its limit of absorption.

GERMANS LOSE DREADNAUGHT. London, Nov. 23.—The Rotterdam report that one of Germany's newest dreadnaughts had been mined and sunk (Continued on Page Four.)

SOCIALISTS WILL FIGHT WAR TO THE END, SAYS LEADER. By Carl W. Ackerman. (United Press staff correspondent.) Berlin, Nov. 23.—(Delayed)—German socialists are determined to fight the long war to the end rather than agree to a peace that "will bend Germany to her knees."

SUIT TRIED IN THE ABSENCE OF MR. BARNES IN CALIFORNIA COURTS. Suit Tried In the Absence of Mr. Barnes In California Courts. JUDGMENT FOR \$69,399 INVOLVED IN ACTION. Salem Property To Value of \$26,750 Purchased With Mrs. Barnes' Money.

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L. S. BARNES WINS AGAINST SPENCER IN SUPREME COURT

Suit Tried In the Absence of Mr. Barnes In California Courts

JUDGMENT FOR \$69,399 INVOLVED IN ACTION

Salem Property To Value of \$26,750 Purchased With Mrs. Barnes' Money

L. S. Barnes won his suit against A. B. Spencer today when the Supreme court of this state handed down an opinion affirming the judgment of Judge Galloway in the circuit court of this county on every point with the exception of the Burrows property on Division street of which Mr. Barnes admitted the ownership. This suit involved a judgment of \$69,399 secured by Spencer in California against Mr. Barnes but which judgment the supreme court contended "was obtained by fraud on the part of Spencer and procured by false testimony."

In fact the action in which the judgment was secured against Mr. Barnes Marion county and the title of which in New York City and the testimony of Mr. Barnes relative to the case was taken by deposition before he left for New York. Then Spencer was allowed to amend his complaint so as to claim a general partnership with the defendant Barnes and in effect abandoned his original claim. When the cause was tried in the absence of Barnes, by the changing of Spencer's contention, the former did not have the benefit of his own testimony upon the new issues which were brought up by the amended complaint.

It was at this trial that Spencer secured the judgment for \$69,399 and costs against Mr. Barnes when the latter was absent and did not have the opportunity to testify in his own behalf. The supreme court took cognizance of these facts when handing down the opinion.

Mrs. Barnes Claims Property. The title of the action in the Marion county courts was, Grace D. Barnes against A. B. Spencer and William Esch and L. S. Barnes. The suit was brought by Grace D. Barnes to impress a resulting trust in her favor upon the lands in question, located in this city, as the equitable owner, as against L. S. Barnes who holds the legal title to the lands, and A. B. Spencer who has a money judgment against L. S. Barnes. Sheriff Esch was also a defendant as an injunction was sought to restrain him from selling the property upon an execution issued on Spencer's judgment. Spencer and the sheriff appealed from a decision of Judge Galloway in favor of the plaintiff.

In her complaint Mrs. Barnes states that in 1909 she furnished her husband with the sum of \$26,750 in cash, for the purpose of buying real property in Spencer secured his pretended judgment to be taken in her name but that by mistake the legal title to the lands was taken in the name of L. S. Barnes, the husband, though the lands were purchased wholly with the money of Mrs. Barnes.

Claim of Spencer. Spencer secured a pretended judgment in California upon the assertion that some mining claims were sold at a profit of \$138,050 and Spencer claimed to be a full partner of Barnes and sued for a full interest in the profits with the result as above noted. The testimony as reviewed by the highest court in the state shows "that Spencer and Barnes were never partners; that the former contributed nothing to the sale of any mining claims in California or elsewhere; that his pretended claim was fraudulent and without consideration; and that his judgment was obtained by fraud on his part and procured by false testimony."

Sold Mines To Harrison. Mr. Barnes took the matter up of the disposition of the mining properties with various parties in Los Angeles, Duluth, Iron Mountain, and with the United States Steel Co. of New York and San Francisco. In all he made six trips to New York to close the deal and worked continuously on the proposition for two years and seven months. After these options lapsed he secured others and finally entered into negotiations with E. H. Harriman with whom he closed the deal. After the first transaction fell through he found he could not carry out any deal without taking up other claims so he made entry on thirty additional claims of 600 acres and made all arrangements pertaining to the claims and the work on them, putting in mining camps and other work and from the time of the first preliminary operations he heard nothing of Spencer until over two years later and after the final deal had been put through. Barnes put in several (Continued on Page Two.)